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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/780,531 | 02/17/2004 | Takashi Matsumura | 848075/0071 | 1346 |

29619 7590 04/05/2007
SCHULTE ROTH & ZABEL LLP
ATTN: JOEL E. LUTZKER
919 THIRD AVENUE
NEW YORK, NY 10022

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| EXAMINER |
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HAROON, ADEEL

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| ART UNIT | PAPER NUMBER |
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2618

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/05/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/780,531 | Applicant(s) MATSUMURA, TAKASHI | |
| | Examiner Adeel Haroon | Art Unit 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-20 and 28-33 is/are allowed.
- 6) ☒ Claim(s) 1,2,21 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 1/16/07.

Claims 1-33 are still pending.

Response to Arguments

2. Applicant's arguments filed 1/16/07, with respect to claims 3, 5, 7, 9, 17, 19, 22, 23, and 28 have been fully considered and are persuasive. The rejections of claims 3, 5, 7, 9, 17, 19, 22, 23, and 28 have been withdrawn.

Applicant's arguments filed 1/16/07 with respect to claims 1 and 21 have been fully considered but they are not persuasive.

With respect to claim 1, Applicant argues that Olofsson does not disclose judging a probability of communication by using predicted quality of the signal to be received and the measured quality of the received signal. The examiner respectfully disagrees with this interpretation. Olofsson, in step 7, discloses measuring link quality, which is interpreted as measuring the quality of the received signal (Column 6, line 65 – Column 6, line 3). Olofsson, in step 9, calculates a predicted user bit rate for the connection,

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which is interpreted as a predicted quality of the signal to be received (Column 6, lines 8-9). Since the predicted quality of the signal is based the measured quality of the received signal, Olofsson discloses judging a probability of communication when displaying the predicted quality (Column 6, lines 33-35).

With respect to claim 21, the Applicant argues that Olofsson does not disclose calculating unit for calculating a correction value based on a preset reference value and the detected power value. The examiner respectfully disagrees. Olofsson teaches in Column 6, lines 15-20 how a correction value is calculated due to limiting factors such as detected power in low BCCH signal strength. In order to have a relative term as "low BCCH signal strength" it must be below some threshold/reference value. Therefore, Olofsson teaches a calculating a correction value based on a preset reference value and the detected power value.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 2, 21, and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Olofsson et al. (U.S. 6,668,159).

With respect to claim 1, Olofsson et al. disclose a radio apparatus with a receiving unit, element number 170, for receiving a signal (Column 4, lines 59-63). Olofsson et al. also disclose a measuring unit for measuring a quality of the received signal in step 7 of figure 3 (Column 5, line 65 – Column 6, line 3). Olofsson et al. further disclose predicting a quality of a signal to be received based on the quality of the received signal being previously measured by the measuring unit in step 9 (Column 6, lines 7-8). Moreover, Olofsson et al. disclose judging a probability of continuation of the communication based on the predicted quality and measured quality using the display in figure 5 (Column 6, lines 33-35).

With respect to claim 2, Olofsson et al. disclose using carrier-to-interference power ratio (Column 5, line 65 – Column 6, line 3).

With respect to claim 21, Olofsson et al. disclose a radio apparatus with a receiving unit, element number 170, for receiving a signal transmitted from a base station apparatus (Column 4, lines 59-63). Olofsson et al. also disclose measuring a quality of the received signal and detecting a power value based on the received signal (Column 5, line 65 – Column 6, line 3). Olofsson et al. disclose calculating a correction value, N, which must be based on a preset reference value and detected power value since Olofsson et al. uses the term "low BCCH signal strength" (Column 6, lines 15-20).

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Olofsson et al. further disclose correcting the measured quality of the received signal by the calculated correction value as in predicting the bit rate (Column 6, lines 7-20).

With respect to claim 24, Olofsson et al. shows when the correction value is set to zero in figure 5b indicating that the received power was out of a predetermined range.

With respect to claims 25 and 26, Olofsson et al. further disclose predicting a quality of a signal to be received based on the quality of the received signal being previously measured by the measuring unit in step 9 (Column 6, lines 7-20). Moreover, Olofsson et al. teach notifying the user this predicted value (Column 6, lines 33-35).

With respect to claim 27, Olofsson et al. disclose using carrier-to-interference power ratio (Column 5, line 65 – Column 6, line 3).

Allowable Subject Matter

5. Claims 3-20 and 28-33 are allowed.
6. Claims 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adeel Haroon whose telephone number is (571) 272-7405. The examiner can normally be reached on Monday thru Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH
3/28/07



3-30-07

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